

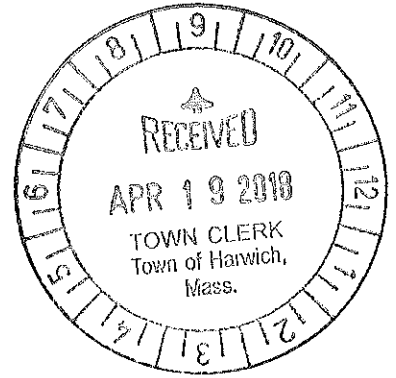


TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645



CONSERVATION COMMISSION
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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, JANUARY 3, 2018

6:30 P.M.

DONN B. GRIFFIN ROOM, HARWICH TOWN HALL

Present: Brad Chase, Carolyn O’Leary, Paula McGuire, Rob Mador and Conservation Administrator Amy Usowski

Call to Order

By Chairman Brad Chase.

HEARINGS

Request for Determination of Applicability

Dennis and Phyllis Gaudenzi, 49 Lovers Lane, Map 41, Parcel M1-5. Installation of two split rail fences on both sides of driveway.

Presenter: Dennis and Phyllis Gaudenzi

Usowski stated this is an after the fact RDA for work done in the buffer zone without permission. She recommended that plantings be done and that the Conservation Commission find Positive 2B and Negative 3 determinations.

Mr. Gaudenzi stated he already did some plantings this past fall.

The Commission found that there is no impact to the resource area. **Motion by Carolyn O’Leary to approve with Positive 2B and Negative 3 determinations and mitigation plantings. Seconded by Rob Mador. Approved 4-0-0.**

Notice of Intent

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Demetrios Dasco, 23-1 Snow Inn Road, Unit 1, Wychmere Shores Condo, Map 8 Parcel P2-1. The proposed patio extension & outdoor kitchen, replacement of brick patio with cut stone patio & mitigation plantings. Work will take place in the 50' buffer zone to the top of the coastal bank & in the Flood Zone. **(Continued from September 20, 2017). Motion to continue to the January 17 meeting by Carolyn O'Leary and seconded by Paul McGuire. Approved 4-0-0.**

Jeffrey Kevin Joyce and Marilyn Heaney Joyce, Trustees, 22 Harwich Pines, Map 103, Parcel SE1-14. Proposed licensing and maintaining of a seasonal dock.

Presenter: David Lyttle

There is an existing dock on the property that held an interim license. When the house was sold to the Joyces, they were supposed to have renewed the interim license. Now that they are selling the house they would like to apply for the permanent 30 year license. The deck is aluminum, seasonal and there is spacing between the decking. John Rendon said the dock did not need to go before the Waterways Commission since it was already existing and previously approved.

Usowski confirmed that the deck met the Harwich regulations. There may be a slight issue with Chapter 91 and the proximity of the dock to the lot line. Overall, she recommends approval.

Motion by Carolyn O'Leary to approve the dock and seconded by Rob Mador. Motion approved 4-0-0.

James Killian, 5 Weeks Road, Map 16, Parcel N1-24. Removal of 45 trees and replant with 120 plantings. Disturbed area will be scraped, loamed and seeded with Harmony Seed Mix in buffer zone. Removal of creosote timbers along the driveway and replacement with cobblestone. Creosote retaining wall and staircases will be removed and replaced with NE fieldstone wall and bluestone steps. Annual vista pruning.

Presenter: Dan O'Leary

Usowski stated the site is crowded with trees and very little light reaches the ground, prohibiting the growth of ground cover. The removal of trees will allow more light to reach the ground and improve the success of proposed plantings. The trees proposed for removal are compromised, dead or overcrowded. Usowski recommends approval.

Chase asked O'Leary if he would consider adding some red cedars and O'Leary agreed.

Motion by Carolyn O'Leary to approve with the conditions of planting red cedars, temporary above ground irrigation for three years and no fertilization. Motion seconded by Rob Mador. Motion approved 4-0-0.

Ruthanne and David Schoetz, 10 Spring Tide Lane, Map 38, Parcel A1-5. Vista pruning, 4 ft. wide path, invasive plant removal and planting of native shrubs in a 3:1 ratio.

Presenters: George Malone, Ruthanne Schoetz

The area has not been managed properly and the owners would like to remove dead trees and invasive vegetation.

Usowksi would like a more detailed three year management plan. This plan should specific specific number of mitigation plantings, how vegetation will be removed and if there is any hardscape/steps to be included in the path. She would also like to see the path completely out of the 50' buffer.

Chase mentioned that he felt a more complete wetland delineation was needed, but Usowski stated the delineation was taken from another plan from approximately ten years ago and believes that it is accurate. With the steepness of the property it is unlikely that the edge of wetland would have changed.

Motion by Brad Chase to continue to the January 17, 2018 meeting and seconded by Carolyn O'Leary. Motion approved 4-0-0.

Paul Norton, 68 Smith Street, Map 19, Parcel A9-2. Construction of a 24'x30' garage and driveway extension.

Presenters: Paul and Maria Norton, Robin Wilcox

The driveway will be pervious and the garage will be on an engineered foundation due to the location in the flood zone.

Usowksi stated that with 720 sq. ft. of mitigation, primarily in the 0-50' buffer, she would be able to recommend approval.

Mador would like gutters or a dripline to manage roof runoff. Wilcox stated that a drywell wouldn't work in this location, but he will include something to address roof runoff. Chase stated that he would like the garage further from the 50' buffer. Wilcox stated that due to zoning constraints and the need for space to allow cars to maneuver, it is unlikely the garage can be moved.

Pending more extensive mitigation plans, drainage plans and a vegetated buffer strip, the project would be approvable.

Motion by Chase to continue to the January 17, 2018 meeting and seconded by Mador. Motion approved 4-0-0.

Discussion and Possible Vote

Activities at Great Sand Lakes Association Property off Vacation Lane

Presenter: Dave Callaghan

There are several washouts in the area and they wanted to modify the existing retaining wall in order to fix the problem. Due to miscommunications, work on the wall was done without approval. Some length and height were added to the wall, with part of it being located in the 0-50' buffer, and a stone strip was added in order to infiltrate water.

The Commission decided an after the fact RDA with a detailed planting plan is required.

Kelp Proposal

Presenter: Mark Kelleher

Kelleher is proposing kelp arrays at two locations. Lines are set in October or November and harvest is in May or June. He is looking for approval to do this next fall. He believes there is economic potential with little interference to boating.

Usowksi stated that exact coordinates of the location of the arrays would be needed. She would like to know which towns and organizations are involved in this type of project.

There were questions regarding the buoys and boating impacts, but the Commission decided to leave this to the Waterways Committee.

Chase asked if he has looked into turbidity and photosynthesis and Kelleher stated that this will be a very limited project to see if he can get kelp to be successful.

It was recommended that Kelleher speak with the Harbormaster as a next step.

Request for Certificate of Compliance-Albert Fehrm, 9 Fiddler's Landing, SE 32-1315 and Albert Fehrm, 9 Fiddler's Landing, SE 32-1304. These requests are both for the dock. The dock was amended several times and the most current iteration already has a certificate of compliance. **Motion to approve the Certificates of Compliance with the condition that winter storage of the dock is outside of the resource area. Motion by Brad Chase and seconded by Paula McGuire. Motion approved 4-0-0.**

Order of Conditions-Wayne and Susan Pratt, 22 Walkerwoods Drive, Map 94 Parcel A5-8. Clearing, chicken coop, fence, planting.

Presenter: Stephanie Sequin

Revised plans were submitted that detail the additional information the Commission requested including 2:1 mitigation split between two areas.

A condition needs to be added regarding temporary irrigation.

Motion by Carolyn O'Leary to approve and seconded by Paula McGuire. Motion approved 4-0-0.

116 South Street Activities- Chase recused himself and Mador acted as chair. There is no quorum for this hearing, but a discussion can take place.

Presenter: Ken Weeks.

There is a shed on the property and a small road was created for access. There are about 800 lobster traps that are stored on the property for four months each year. Weeks does not believe the traps cause any harm to the environment and he would also like the fine rescinded. Usowski stated the shed was approved administratively, but the road was not. She suggested to speak with the Harbormaster regarding temporary storage of traps. The traps can stay in place at this time. The Commission set a March 1st deadline for submittal of a new plan and wetland delineation and agreed to hold off on fines at this time.

Language for lease of Bells Neck Bogs-Once the language is approved Usowski will get it to the Selectmen for their approval. Chase would like a new draft reflecting Commission comments for the next meeting in order to take a vote. He would like language clarifying that the lessee is responsible for any lost herring. He would also like to look hard at timing, fish kills and organic farming. O'Leary suggested a lower cost lease if the bidder agrees to use organic practices. Ask bidders if feasible to go completely organic, or at least reduce loading. Mark Coleman stated that becoming certified organic may not be feasible and Mador clarified that the product doesn't need to be labeled organic, but the Commission would like organic practices from this point on. Chase would favor a five year agreement with the possibility of another five year renewal if it is working well. Usowski stated that it will take a long time to get the bog up and running. Coleman stated that the first five years are crucial to getting the bog to the point of productivity and really would need a ten year window. If doing a five year this it has to be understood that the lessee gets the opportunity to renew for another five years. He is also concerned about a fine for a fish kill and believes that if the best management practices are followed then there is no need for a fine. Chase reiterated the importance of keeping the herring out of the bog and discussed the processes that can ensure the fish do not get trapped.

177 Forest Street-Steve Szafran was present and reviewed the work that was done outside of what was permitted. The approved project was 1,334 sq. ft. and the project is approximately 200 sq. ft. larger than what was permitted. Usowski stated that the structure in the 0-50' is in strict opposition to the Harwich wetland regulations and should be removed and more mitigation will be needed. Chase stated he is in favor of that as well and would also like to issue more substantial fines. Usowski stated that would not be possible since fines were already issued and they are in the remediation phase. Chase would like mitigation at a 3:1 ratio, adjacent to the structure, in order to provide a buffer to the pond. McGuire asked if removal of the wall would cause erosion and it was generally agreed that grading could be done. Several of the members stated they would like to make a visit to the property. It was decided that an enforcement order will not be issued at this point and that a site plan and request to amend the order of conditions should be filed by February 1st. The site plan should include mitigation of 600 sq. ft. and the Commission strongly urged him to include removal of the retaining wall.

Orders of Conditions

The Tide River Nominee Trust, Lawrence Damon, Trustee, 44 Chase Street, Map 4, Parcel N1-D2. Proposed construction of a swimming pool, pool shed, fence and relocation of existing drive. The corner of the pool fence was moved to be 5' off the buffer zone. Chase questioned if we approved condition number 7 regarding fertilizer and Usowski stated it was part of the application and she was not told to do otherwise. Mador believes that grandfathering of properties should not be done and if a project comes before the Commission it should be made to follow the current regulations; just because a property used fertilizer in the past, doesn't mean they should be allowed to continue. **Motion to approve the Order of Conditions by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.**

Andrew and Katie Hutton, 437 Route 28, Map 13, Parcel S1-B3. Replacement of the original sewage system with a Title 5 sewage system. No expansion of the existing building is proposed. Motion to approve the Order of Conditions by Brad Chase and seconded by Paula McGuire. Motion approved 3-0-1 with Mador abstaining.

Certificates of Compliance

John Richards and Alden C Britt, 54 Uncle Venie's Road, SE 32-389. The project was built according to plan and there were no special conditions. **Motion to approve the Certificate of Compliance by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.**

Chloe's Path Subdivision

There is a stop work order at this time due to a breach in the limit of work. They are allowed to repair silt fence and erosion control measures, but no other work at this time.

Motion to adjourn by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.

In attendance at meeting:

Stephanie Sequin, Steve Szafran, Mark Coleman, Ken Weeks, Mark Kelleher, Dennis Gaudenzi, Phyllis Gaudenzi, David Lyttle, Dan O'Leary, George Malone, Ruthanne Schoetz, Dave Callahan, Paul Norton, Maria Norton, Robin Wilcox

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.